

REMARKS

The Applicant Cancels Claim 3.

The Office has made a restriction requirement requiring the election of one of the allegedly patentable distinct species as defined in paragraphs 11-15 and figs. 2A-2C¹ and 3A-3B. The Office has acknowledged that Claim 1 is Generic.

Claims restricted to Species must included mutually exclusive characteristics. The mutually exclusive characteristic between Figure 3A and 3B is the separate transfer gate inversion region. Figure 3A has a separate inversion region for the transfer gate whereas Figure 3B does not.

Claims 1,2, 4-6 and 11 are generic.

Claims 8 and 13 are specifically directed to the embodiment of Figure 3A

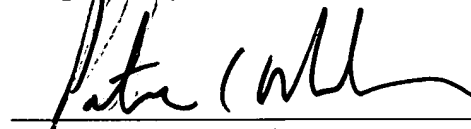
Claims 1-2, 4-7, 9-12, 14 and 15 are directed to the embodiment of Figure 3B.

¹ Figures 2A-2C depict a method for making the device shown in Figures 3A and 3B. The claim directed to the method where previously restricted out and therefore, their inclusion as a species is improper at best.

Election

The Applicant provisionally elects embodiment 3B including Claims 1-2, 4-7, 9-12, 14 and 15.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Muldoon", written over a horizontal line.

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Dated: December 12, 2005